

1 AN ACT relating to state employees.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 18A.110 is amended to read as follows:

- 4 (1) The secretary shall promulgate comprehensive administrative regulations for the  
5 classified service governing:
- 6 (a) Applications and examinations;
  - 7 (b) Certification and selection of eligibles;
  - 8 (c) Classification and compensation plans;
  - 9 (d) Incentive programs;
  - 10 (e) Lay-offs;
  - 11 (f) Registers;
  - 12 (g) Types of appointments;
  - 13 (h) Attendance; hours of work; compensatory time; annual, court, military, sick,  
14 voting, and special leaves of absence, provided that the secretary shall not  
15 promulgate administrative regulations that would reduce the rate at which  
16 employees may accumulate leave time below the rate effective on December  
17 10, 1985; and
  - 18 (i) Employee evaluations.
- 19 (2) The secretary shall promulgate comprehensive administrative regulations for the  
20 unclassified service.
- 21 (3) (a) Except as provided by KRS 18A.355, the secretary shall not promulgate  
22 administrative regulations that would reduce an employee's salary; and
- 23 (b) As provided by KRS 18A.0751(4)(e), the secretary may submit a proposed  
24 administrative regulation providing for an initial probationary period in excess  
25 of six (6) months to the board for its approval.
- 26 (4) The secretary may promulgate administrative regulations to implement state  
27 government's affirmative action plan under KRS 18A.138.

- 1 (5) (a) The administrative regulations shall comply with the provisions of this chapter  
2 and KRS Chapter 13A, and shall have the force and effect of law after  
3 compliance with the provisions of KRS Chapters 13A and 18A and the  
4 procedures adopted thereunder;
- 5 (b) Administrative regulations promulgated by the secretary shall not expand or  
6 restrict rights granted to, or duties imposed upon, employees and  
7 administrative bodies by the provisions of this chapter; and
- 8 (c) No administrative body other than the Personnel Cabinet shall promulgate  
9 administrative regulations governing the subject matters specified in this  
10 section.
- 11 (6) Prior to filing an administrative regulation with the Legislative Research  
12 Commission, the secretary shall submit the administrative regulation to the board  
13 for review.
- 14 (a) The board shall review the administrative regulation proposed by the secretary  
15 not less than twenty (20) days after its submission to it;
- 16 (b) Not less than five (5) days after its review, the board shall submit its  
17 recommendations in writing to the secretary;
- 18 (c) The secretary shall review the recommendations of the board and may revise  
19 the proposed administrative regulation if he deems it necessary; and
- 20 (d) After the secretary has completed the review provided for in this section, he  
21 may file the proposed administrative regulation with the Legislative Research  
22 Commission pursuant to the provisions of KRS Chapter 13A.
- 23 (7) The administrative regulations shall provide:
- 24 (a) For the preparation, maintenance, and revision of a position classification plan  
25 for all positions in the classified service, based upon similarity of duties  
26 performed and responsibilities assumed, so that the same qualifications may  
27 reasonably be required for, and the same schedule of pay may be equitably

1 applied to, all positions in the same class. The secretary shall allocate the  
2 position of every employee in the classified service to one (1) of the classes in  
3 the plan. The secretary shall reallocate existing positions, after consultation  
4 with appointing authorities, when it is determined that they are incorrectly  
5 allocated, and there has been no substantial change in duties from those in  
6 effect when such positions were last classified. The occupant of a position  
7 being reallocated shall continue to serve in the reallocated position with no  
8 reduction in salary;

9 (b) For a pay plan for all employees in the classified service, after consultation  
10 with appointing authorities and the state budget director. The plan shall take  
11 into account such factors as:

- 12 1. The relative levels of duties and responsibilities of various classes of  
13 positions;
- 14 2. Rates paid for comparable positions elsewhere taking into consideration  
15 the effect of seniority on such rates; and
- 16 3. The state's financial resources.

17 Amendments to the pay plan shall be made in the same manner. Each  
18 employee shall be paid at one (1) of the rates set forth in the pay plan for the  
19 class of position in which he is employed, provided that the full amount of the  
20 annual increment provided for by the provisions of KRS 18A.355, and the full  
21 amount of an increment due to a promotion, salary adjustment,  
22 reclassification, or reallocation, shall be added to an employee's base salary or  
23 wages;

24 (c) For open competitive examinations to test the relative fitness of applicants for  
25 the respective positions. The examinations shall be announced publicly and  
26 applications accepted at least ten (10) days prior to certification of a register,  
27 and may be advertised through the press, radio, and other media. The secretary

1 shall continue to receive applications and examine candidates on a continuous  
2 basis long enough to assure a sufficient number of eligibles to meet the needs  
3 of the service. Except as provided by this chapter, he shall add the names of  
4 successful candidates to existing eligible lists in accordance with their  
5 respective ratings. The secretary shall be free to use any investigation of  
6 education and experience and any test of capacity, knowledge, manual skill,  
7 character, personal traits, or physical fitness, which in his judgment, serves the  
8 need to discover the relative fitness of applicants;

9 (d) As provided by this chapter, for the establishment of eligible lists for  
10 appointment, upon which lists shall be placed the names of successful  
11 candidates in the order of their relative excellence in the respective  
12 examinations. Except as provided by this chapter, an eligible's score shall  
13 expire automatically one (1) year from the date of testing, unless the life of the  
14 score is extended by action of the secretary for a period not to exceed one (1)  
15 additional year. Except for those individuals exercising reemployment rights,  
16 all eligibles may be removed from the register when a new examination is  
17 established;

18 (e) For the rejection of candidates or eligibles who fail to comply with reasonable  
19 requirements of the secretary in regard to such factors as age, physical  
20 condition, training, and experience, or who have attempted any deception or  
21 fraud in connection with an examination;

22 (f) Except as provided by this chapter, for the appointment of a person whose  
23 score is included in the five (5) highest scores earned on the examination;

24 (g) For annual, sick, and special leaves of absence, with or without pay, or  
25 reduced pay, after approval by the Governor as provided by KRS  
26 18A.155(1)(d);

27 (h) For lay-offs, in accordance with the provisions of KRS 18A.113, 18A.1131,

1 and 18A.1132, by reasons of lack of work, abolishment of a position, a  
2 material change in duties or organization, or a lack of funds;

3 (i) For the development and operation of programs to improve the work  
4 effectiveness of employees in the state service, including training, whether in-  
5 service or compensated educational leave, safety, health, welfare, counseling,  
6 recreation, employee relations, and employee mobility without written  
7 examination;

8 (j) For a uniform system of annual employee evaluation for classified employees,  
9 with status, that shall be considered in determining eligibility for discretionary  
10 salary advancements, promotions, and disciplinary actions. The administrative  
11 regulations shall:

- 12 1. Require the secretary to determine the appropriate number of job  
13 categories to be evaluated and a method for rating each category;
- 14 2. Provide for periodic informal reviews during the evaluation period  
15 which shall be documented on the evaluation form and pertinent  
16 comments by either the employee or supervisor may be included;
- 17 3. Establish a procedure for internal dispute resolution with respect to the  
18 final evaluation rating;
- 19 4. Permit a classified employee, with status, who receives either of the two  
20 (2) lowest possible evaluation ratings to appeal to the Personnel Board  
21 for review after exhausting the internal dispute resolution procedure.  
22 The final evaluation shall not include supervisor comments on ratings  
23 other than the lowest two (2) ratings;
- 24 5. Require that an employee who receives the highest possible rating shall  
25 receive the equivalent of two (2) workdays, not to exceed sixteen (16)  
26 hours, credited to his or her annual leave balance. An employee who  
27 receives the second highest possible rating shall receive the equivalent

1 of one (1) workday, not to exceed eight (8) hours, credited to his or her  
2 annual leave balance; and

3 6. Require that an employee who receives the lowest possible evaluation  
4 rating shall either be demoted to a position commensurate with the  
5 employee's skills and abilities or be terminated; ~~and~~

6 (k) **For an internal mobility program for existing state employees. The program**  
7 **shall not differentiate between full-time and part-time employees in filling**  
8 **full-time positions; and**

9 **(l)** For other administrative regulations not inconsistent with this chapter and  
10 KRS Chapter 13A, as may be proper and necessary for its enforcement.

11 (8) For any individual hired or elected to office before January 1, 2015, and paid  
12 through the Kentucky Human Resources Information System, the Personnel Cabinet  
13 shall not require payroll payments to be made by direct deposit or require the  
14 individual to use a Web-based program to access his or her salary statement.

15 (9) To the extent that KRS 16.010 to 16.199 and administrative regulations  
16 promulgated by the commissioner of the Department of Kentucky State Police  
17 under authority granted in KRS Chapter 16 conflict with this section or any  
18 administrative regulation promulgated by the secretary pursuant to authority granted  
19 in this section, the provisions of KRS Chapter 16 shall prevail.